REMARKS/ARGUMENTS

The application still contains 10 claims, notably claims 1-7 and 22-24.

35 USC §102

In the Office Action, the Examiner has rejected claim 1 under 35 U.S.C. §102(a) as being anticipated by Ogg et al., US Patent 6,868,406 (hereafter referred to as Ogg) or Finch et al., US Patent 6,750,885 (hereafter referred to as Finch).

The Applicant respectfully traverses this rejection and submits that the claimed subject matter is patentably distinguishable over both Ogg and Finch, as discussed below.

The Examiner's attention is directed to the following emphasized features of independent claim 1:

> 1) A method for **handling an invoice** generated at a biller and destined to a customer entity, the customer entity including a first user and a second user, said method comprising:
>   a) providing at the biller a first permission level and associating the first permission level to the first user, **said first permission level allowing the first user to process invoices of a first type;**
>   b) providing at the biller a second permission level and associating the second permission level to the second user, **said second permission level allowing the second user to process invoices of a second type;**
>   c) enabling either one of the first user and the second user **on the basis of their associated permission levels to process over a network the given invoice.**

The Applicant respectfully submits that the subject matter of independent claim 1 is neither anticipated nor rendered obvious by Ogg or Finch. Without limiting the generality of the foregoing, the Applicant submits that neither Ogg nor Finch disclose or suggest the above-emphasized features of independent claim 1. More specifically, neither Ogg nor Finch teach a method for *handling an invoice* that includes associating a

first user with a first permission level *allowing the first user to process invoices of a first type* and associating a second user with a second permission level *allowing the second user to process invoices of a second type*, as well as enabling either one of the first and second user to *process the given invoice over a network on the basis of their associated permission levels.*

Ogg discloses an on-line printing system that provides "secure printing of value-bearing items (VBI) preferably, postage. More specifically, the invention relates to a cryptographic module for secure printing of VBIs" (column 1, lines 42-45). Admittedly, at column 10, lines 49-55, Ogg discusses an E-commerce Server that "provides e-commerce related services on a user/group permission basis. It provides commerce-related services such as payment processing, pricing plan support and billing as well as customer care functionality and LDAP membership personalization services". However, this very broad statement is the extent of the discussion provided by Ogg with regard to user permission-based billing. There is certainly no discussion in Ogg as to *how* billing and payment processing actually occurs or is handled within the system, nor any mention or suggestion of a specific method for **handling invoices** on a permission level basis. It follows that there is absolutely no teaching or suggestion anywhere in the Ogg patent of associating first and second permission levels to first and second users, respectively, for allowing **the first user to process invoices of a first type** and **the second user to process invoices of a second type**, whereby the first and second users are **enabled to process a given invoice** over a network **on the basis of their associated permission levels**.

Finch discloses a system for building GUI screens for a time keeping and expense tracking (TKET) system, where a user is allowed to modify the parameters, object and layout of a GUI screen on the basis of his group affiliations and defined ability levels (see Abstract). Finch discusses displaying GUI screens of the TKET system to a user and enabling that user to customize or modify these GUI screens on the basis of the user's predefined hierarchical level and/or access privileges. However, there is absolutely no

discussion or suggestion in the Finch patent of a method for **handling invoices**, let alone

doing so on the basis of **user-assigned permission levels**. More specifically, there is no

mention or suggestion anywhere in the Finch patent of associating first and second

permission levels to first and second users, respectively, for allowing **the first user to**

process invoices <u>of a first type</u> and **the second user to process invoices <u>of a second</u>**

<u>type</u>, whereby the first and second users are **enabled to process <u>a given invoice</u>** over a

network <u>**on the basis of their associated permission levels**</u>.

In light of the foregoing discussion of the cited prior art, the Applicant

respectfully submits that neither Ogg nor Finch explicitly disclose or implicitly suggest

<u>all</u> of the limitations of independent claim 1. Accordingly, the subject matter of claim 1

is believed to be novel and non-obvious over both Ogg and Finch, and the Examiner is

respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. §102(a).

35 USC §103

In the Office Action, the Examiner has rejected claims 1-7, and 22-24 under 35

U.S.C. §103(a) as being unpatentable over Gross et al., US Patent 6,721,716 (hereafter to

be referred to as Gross).

The Applicant respectfully traverses the Examiner's rejection and submits that the

invention claimed in claims 1-7 and 22-24 is patentably distinguishable over Gross, as

discussed below.

The Examiner's attention is directed to the following emphasized features of

independent claims 1, 2, 22 and 23:

1) *A method for handling an invoice generated at a biller and destined to a
    customer entity, the customer entity including a first user and a second user,
    said method comprising:*

> a) providing at the biller a first permission level and *associating the first permission level to the first user, said first permission level allowing the first user to process invoices of a first type;*
>
> b) providing at the biller a second permission level and *associating the second permission level to the second user, said second permission level allowing the second user to process invoices of a second type;*
>
> c) *enabling either one of the first user and the second user on the basis of their associated permission levels to process over a network the given invoice.*

2) *A method for handling a given invoice generated at a biller and destined to a customer entity, the given invoice being characterized by a given amount, the customer entity including a first user and a second user, said method comprising:*

> a) providing a first permission level and *associating said first permission level to the first user, said first permission level allowing the first user to process invoices of a first type characterized by amounts in a first range of amounts;*
>
> b) providing a second permission level and *associating said second permission level to the second user, said second permission level allowing the second user to process invoices of a second type characterized by amounts in a second range of amounts;*
>
> c) *comparing the given amount with the first range of amounts to determine whether the given invoice is an invoice of the first type;*
>
> d) *enabling the first user to provide payment remittance information for transmission to the biller for the given invoice* **if the result of the comparison in c) indicates that the given invoice is an invoice of the first type;**
>
> e) *comparing the given amount with the second range of amounts to determine whether the given invoice is an invoice of the second type;*
>
> f) *enabling the second user to provide payment remittance information for transmission to the biller for the given invoice* **if the result of the comparison in e) indicates that the given invoice is an invoice of the second type.**

22) *A method for handling a given invoice generated at a biller and destined to a customer entity, the given invoice being characterized by a given amount, said method comprising:*

> a) providing a plurality of permission levels and *associating the permission levels to respective users of the customer entity, each permission level allowing the associated user to process invoices characterized by amounts in a range of amounts;*
>
> b) *for a given permission level, comparing the given amount with the range of amounts corresponding to the given permission level to* **determine whether the given permission level allows processing of the given invoice;**

c) *enabling either one of the users in said plurality of users to provide payment remittance information for the given invoice **on the basis of the comparisons in b)**.*

23) *A method for handling an invoice generated at a biller and destined to a customer entity, the customer entity including a first user and a second user, said method comprising:*

a) *receiving at the biller registration information associated to the first user, the registration information including a user identifier associated with the first user;*

b) *receiving at the biller registration information associated to the second user, the registration information including a user identifier associated with the second user;*

c) *providing at the biller a first permission level and **associating the first permission level to the first user, said first permission level allowing the first user to process invoices of a first type;***

d) *providing at the biller a second permission level and **associating the second permission level to the second user, said second permission level allowing the second user to process invoices of a second type;***

e) *enabling either one of the first user and the second user **on the basis of their associated permission levels to process over a network the given invoice.***

The Applicant respectfully submits that Gross does not disclose, teach or suggest the above-emphasized features of independent claims 1, 2, 22 and 23. More specifically, Gross does not teach a method for handling an invoice that includes: (1) associating a first user with a first permission level *allowing the first user to process invoices of a first type*; (2) associating a second user with a second permission level *allowing the second user to process invoices of a second type*; and (3) enabling either one of the first and second user to *process the given invoice over a network on the basis of their associated permission levels.*

Gross discloses a method "of presenting electronic content individualized for a specific user from several content providers and allows that user to initiate directed instructions to each content provider responsive to the content. [...] In a preferred embodiment directed to an electronic statement, bill presentment and payment system, computer software allows a customer to view statements and bills from multiple billers and make payments to the billers using a personal computer" (column 2, lines 55-60 and

66-67). Although Gross does discuss a method for electronic bill presentment and payment, nowhere in the Gross patent is there any mention or suggestion of **associating permission levels to users** or of **enabling different users to process over a network different types of invoices on the basis of their associated permission levels**.

At page 2 of the Office Action, the Examiner states that:

"Official Notice is taken that having First and second permission levels to access different data with invoice related art has been common knowledge in the art. To have used such access levels with Gross would have been obvious to one of ordinary skill in the art in view of this common knowledge".

Firstly, the Applicant refutes the above statement by the Examiner and submits that the Official Notice taken by the Examiner is believed to be improper in the context of the subject matter claimed in the present application. More specifically, the association *by a biller* of different permission levels to different users, where a user's permission level determines *the type of invoice* that the user is allowed to process *over a network*, is **not** believed by the Applicant to be common knowledge in the art. The Examiner's attention is directed to MPEP §2144.03, paragraphs A and B, which state that:

"Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. [...] It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. [...] It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based". [emphasis added]

"...ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. [...] If such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply after the Office action in which the common knowledge statement was made". [emphasis added]

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Accordingly, the Examiner is invited to provide an explicit basis, as well as evidentiary support in the form of one or more prior art references or some other specific factual findings, to support his conclusion of common knowledge. Absent this explicit basis and evidentiary support, the Applicant requests that the Official Notice taken by the Examiner be withdrawn.

Secondly, notwithstanding the preceding argument, the Applicant respectfully submits that there is absolutely no suggestion or motivation in the Gross patent of the desirability of combining the teachings of Gross with the use of permission levels. As discussed above, there is neither explicit mention nor implicit suggestion in Gross of the concepts of (or the need for) associating permission levels to users and enabling different users to process over a network different types of invoices on the basis of their associated permission levels. To this end, MPEP §2143.01 provides that:

> "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."[1] [emphasis added]

Furthermore, MPEP §2141.II provides that "when applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: [...] (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention" [emphasis added]. It would appear from the Office Action excerpt cited above, that the obviousness rejection at issue may have been improperly based on the Applicant's disclosure.

In light of the foregoing, the Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness over Gross, in that at least one of the

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[1] *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)

criteria set forth in MPEP 706.02(j)[2] has not been satisfied. The Examiner is therefore respectfully requested to withdraw the rejection under 35 U.S.C. §103(a) of independent claims 1, 2, 22 and 23, which are believed to be novel and non-obvious over the cited prior art and, as such, in condition for allowance.

Claims 3-7 and 24 are all either directly or indirectly dependent on one of claims 2 and 23 and therefore include all of the limitations of the respective independent claim, including the features already shown to be absent from Gross. Thus, for the same reasons as those set forth above in support of independent claims 2 and 23, the Examiner is also requested to withdraw the rejection under 35 U.S.C. §103(a) of claims 3-7 and 24.

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[2] For the Examiner to establish a *prima facie* case of obviousness, three criteria must be considered: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all of the claim limitations. MPEP §§ 706.02(j), 2142 (8th ed.) [emphasis added]
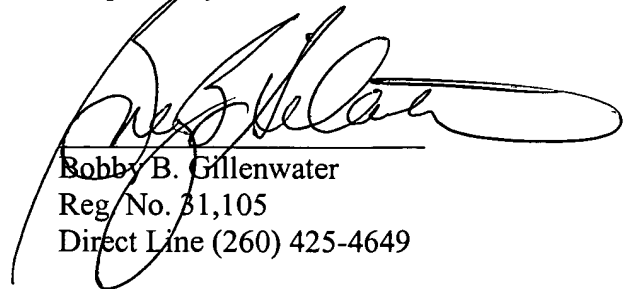
CONCLUSION

It is respectfully submitted that claims 1-7 and 22-24 are in condition for allowance. Reconsideration of the objection is requested. Allowance of claims 1-7 and 22-24 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (32423/82535) and please credit any excess fees to such deposit account.

Respectfully submitted,

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